

Chapter 5. Relationships to Federal, State, and Local Policies and Plans

This chapter contains an overview of the policies and plans used by public agencies within the jurisdiction of the affected environment of this EIS. A summary is included for each relevant policy and plan, as well as a brief discussion of its relevancy to the proposed action. Land use plans associated with specific sites (e.g., National Wildlife Refuges, Wildlife Management Areas), have been considered in the development of the proposed action and will not be discussed in detail here.

5.1 Fish and Wildlife Service Plans, Policies, and Programs

Management of Caspian terns is included in a Draft Regional Seabird Conservation Plan. The purpose of this plan is to identify the Service's goals and priorities for seabird conservation in the Pacific Region, including specific objectives and strategies to achieve these goals. The plan will serve to direct and coordinate Service activities towards seabird conservation in the future.

Service policies relevant to the development of a management plan for the Caspian tern are summarized in Appendix D.

5.2 Other Federal Agency Plans

The Corps Columbia River Channel Operation and Maintenance Program (O&M Program) would be supported by implementation of a selected alternative associated with this EIS. The NOAA Fisheries 1999 BO for the O&M Program, under Terms and Conditions 1a, states: "The COE shall modify the habitat on Rice Island by April 1, 2000, so that it is no longer suitable as a nesting site for Caspian terns or provide for the hazing of terns off the island in a manner that will preclude their nesting. The COE shall ensure that any terns hazed off the island do not nest on any dredge spoil islands in the action area (other than East Sand Island). The COE shall continue to prevent nesting of Caspian terns on disposal islands within the action area for the life of the project." Thus, implementation of a measure to reduce the Caspian tern population in the Columbia River estuary would assist in achieving the prescribed Terms and Conditions.

Reconsultation is underway for the O&M Program. It is anticipated that the forthcoming BO will address Caspian tern management in the Columbia River estuary in a manner comparable to the existing Terms and Conditions. The future BO for the O&M Program will be merged with the Columbia River Channel Improvement Project (CRCIP) BO to ensure a continuity of management practices relative to Caspian terns in the estuary. The CRCIP would entail a deepening of the existing 40-foot navigation channel to a 43-foot project depth plus implementation of a number of ecosystem restoration features.

The Corps has a number of environmental restoration programs in place authorized by Section 1135 of the 1986 Water Resources Development Act (WRDA), Section 206 of WRDA 1996 and Section 536 of WRDA 2000. Various projects are underway or have been completed under these authorities in the lower Columbia River and estuary. Restoration projects associated with these authorities and the CRCIP are principally intended to restore fish and wildlife habitat, to include tidal marshes and riparian forest, and to reconnect the Columbia River to floodplain and/or diked habitats.

The Northwest Power Act of 1980 directs the Northwest Power and Conservation Council (formerly known as the Northwest Power Planning Council) to develop a program for the protection, mitigation, and enhancement of fish and wildlife of the Columbia River Basin and make annual funding recommendations to the Bonneville Power Administration for projects to implement the program. Sub-basin plans are being developed and contain strategies that will drive the implementation of the Council's Fish and Wildlife Program at the sub-basin level. The sub-basin plan for the lower Columbia River and Willamette River includes a discussion of management of Caspian terns.

The Columbia River Fish Mitigation (CRFM) program is funding research efforts on salmon use of Columbia River estuarine habitats. The Lower Columbia River General Investigation Study has been established to investigate and recommend appropriate solutions to accomplish ecosystem restoration in the lower Columbia River and estuary, including wetland/riparian habitat restoration, stream and fisheries improvement, water quality, and water-related infrastructure improvements. The study area includes all areas

west of Bonneville Dam on the Columbia River, including tidally influenced tributaries.

The U.S. Army Corps of Engineers 2002 Draft interim environmental assessment titled: Caspian Tern Interim Management Plan Fiscal Year 2003-2004 and Pile Dike Excluder Maintenance to Discourage Cormorant use Lower Columbia River, Oregon (U.S. Army Corps of Engineers 2002) describes management of terns in the Columbia River estuary and presents a plan (see description in Chapter 2, Alternative A) for managing Caspian terns in the Columbia River estuary until a proposed action resulting from this EIS is implemented.

5.3 State, Local, and Tribal Plans

5.3.1 Washington

The State of Washington has various strategies and programs designed to improve the habitat of ESA-listed salmonids and assist in recovery planning. Washington's 1998 Salmon Recovery Planning Act provided the framework for developing watershed restoration projects and established a funding mechanism for local habitat restoration projects. It also created the Governor's Salmon Recovery Office to coordinate and assist in the development of salmon recovery plans. Washington's Department of Fish and Wildlife and Tribal co-managers have been implementing the Wild Stock Recovery Initiative since 1992. The co-managers are currently completing comprehensive species management plans that examine limiting factors and identify needed habitat activities. The plans also concentrate on actions in the harvest and hatchery areas, including comprehensive hatchery planning. The Department and some western Washington treaty Tribes have adopted a wild salmon policy to provide general policy guidance to managers on fish harvest, hatchery operations, and habitat protection and restoration measures to better protect wild salmon runs.

Washington State's Forest and Fish Plan were promulgated as administrative rules. The rules were designed to establish criteria for non-Federal and private forest activities that will improve environmental conditions for ESA listed salmonids. The State of Washington also established the Lower Columbia Fish Recovery Board to begin drafting recovery plans for the lower Columbia region.

The Washington Shoreline Management Act (RCW 90.58), administered by the Washington Department of Ecology through Shoreline Master Programs adopted by each local jurisdiction, regulates the development of Washington shorelines.

5.3.2 Oregon

The Oregon Plan is designed to restore the healthy function of Oregon's natural aquatic systems. It represents commitments on behalf of governments, interest groups, and private citizens from all sectors of the State. While the plan originated as an effort to address declining populations of coho salmon, in the two years since its initiation, the plan has engaged new participants, addressed new fish species, attained regional significance and promoted unique approaches to natural resource issues on a State-wide basis (The Oregon Plan for Salmon and Watersheds 2004).

5.3.3 California

The Goals Project was undertaken in June 1995 to establish a long-term vision for a healthy and sustainable baylands ecosystem. The Goals Project used available scientific knowledge to identify the types, amounts, and distribution of wetlands and related habitats needed to sustain diverse and healthy communities of fish and wildlife resources in the San Francisco Bay Area. The Project provides a biological basis to guide regional wetlands planning processes for public and private interests seeking to preserve, enhance, and restore the ecological integrity of wetland communities (Goals Project 1999).

5.3.4 Local Governments

As identified in the FCRPS Hydropower biological opinion, the Lower Columbia River Estuary Partnership (LCREP) works with private environmental groups, Federal, State, and local governments on ecosystem protection of the Lower Columbia River. LCREP encompasses a watershed wide perspective through their Comprehensive Conservation and Management Plan (CCMP), cross cutting political boundaries to address land use, water quality, and species protection. LCREP coordinates and implements a program for conservation of the Lower Columbia River. LCREP is also actively working with NMFS on recovery planning for salmonids. By involving local governments and private organizations in planning efforts, there is potential for a comprehensive, cohesive, and sustained program for species recovery in the Lower Columbia River.

5.3.5 Tribal Governments

The Wy-Kan-Ush-Mi Wa-Kish-Wit, or "Spirit of the Salmon" plan is a joint restoration plan for anadromous fish in the Columbia River basin prepared by the Nez Perce, Umatilla, Warm Springs and Yakama Tribes. It provides a framework for restoring anadromous fish stocks, specifically salmonids, Pacific lamprey (eels), and white sturgeon in upriver areas above Bonneville Dam. Overall, future implementation of the Spirit of the Salmon plan should have positive cumulative effects on

ESA-listed salmonids and their habitats. The Nez Perce, Warm Spring, Umatilla, and Yakama Tribal governments are now seeking to implement this plan and salmon restoration in conjunction with the States, other Tribes, and the Federal government, as well as in cooperation with their neighbors throughout the basin's local watersheds and with other citizens of the Northwest.

